

**AQAA
DAR COUNCIL ACTIVITY REPORT
23 October 1996**

FAR/DFARS Cases Discussed:

96-018	Use of Brand Name Purchase Descriptions: Provides for the use of brand name or equal, brand name required, and brand name as target purchase descriptions.	Agreed to proposed rule, w/minor edits to clean copy of 10/21/96.
95-021	Allowability of Foreign Selling Costs: Increases to \$5 million the FAR 31.205-38(c)(2)(ii) threshold for application of the foreign selling costs allowability ceiling. Deletes obsolete guidance in FAR 31.205-38(c)(2)(iii). Based on committee agreement with public comment to eliminate ceiling, will be issued as revised proposed rule.	Agreed to proposed rule.
96-325	Compensation of Certain Contractor Personnel: Implements sect. 809, PL 104-201, limiting Govt. reimbursement of officer compensation to \$250,000 for FY97.	Agreed to interim rule. Deleted reference to SEC rules.
96-D023	Foreign Machine Tools and Powered and Non-Powered Valves: Revises DFARS 225.7004-6(a) to reflect that FY97 Defense Authorization Act did not extend the restrictions on purchase of foreign machine tools and powered and non-powered valves.	Agreed to final rule.
96-D331	Ball and Roller Bearings: Implements Section 8082, FY97 Defense Appropriations Act, with same restrictions as in the FY96 Act, that no funds may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin. DFARS 212.503(a)(xi) and 212.504(a)(xxvi) exempt contracts for acquisition of commercial items and subcontracts for acquisition of commercial items or commercial components from domestic content restrictions in any Defense appropriation act for FY96 or subsequent.	Agreed to final rule.
96-D017	DFARS Information Technology Management Reform Act (ITMRA): Revises DFARS to correspond to the revised FAR language.	Agreed to interim rule, based on FAR interim rule, w/minor edits.
96-D325	Cable Television Franchise: Implements 833, PL 104-201, reflecting opinion of U.S. Court of Federal Claims which found that, as a matter of law, cable television franchise agreements are contracts subject to part 49 of the FAR.	On hold pending revision of DoD regulation on cable franchises.
96-D003	Certificate of Competency: Allows differences between agency and SBA to be appealed to the SBA Headquarters vice the SBA Central Office for resolution.	Agreed to final rule on COC, but reverted to existing term for "regular dealer."

NOTE 1: The public meeting on FAR Case 96-312, Certification Requirements, is scheduled to be held in the Truman Room of the White House Conference Center from 1:30 - 4:30 PM on 29 Oct 96. Please contact Mr. Michael Mutty, DAR Council, at (703) 602-0131, or FAX (703) 602-0350, if you plan to attend.

NOTE 2: The public meeting on FAR Case 95-029, Part 15 Rewrite - Phase I, is scheduled to be held in the NASA Headquarters Building Auditorium from 10:00 AM - 5:00 PM on 08 Nov 96. Please contact Ms. Melissa Rider, DAR Council, at (703) 602-0131, or FAX (703) 602-0350, if you plan to attend.